

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES May 6 19 82

The Board convened in a continued meeting, from May 4, 1982, to conduct a public hearing to allow Communications Systems, Inc., dba South Valley Cable TV, Inc., to show cause why its cable TV franchise at Lake Tahoe should not be revoked, forfeited, or otherwise affected, due to its non-compliance with the franchise ordinance provisions in multiple respects. Present: Supervisors Robert E. Dorr, Patricia R. Lowe, W. P. "Dub" Walker, Joseph V. Flynn, and Thomas L. Stewart. Dixie L. Foote, Assistant Board of Supervisors Clerk, was also present. Chairman Walker presided.

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The Chairman called the meeting to order, after which Mr. William C. Neasham, Assistant County Counsel, identified parties, and stated the purpose of the hearing, pointing out that the meeting was open to the public, but the public would not be permitted to speak. Mr. Neasham further advised that a Mr. Miner submitted, this date, a petition signed by persons desiring the Christian Broadcasting Network via their cable TV service.

Attorney Melvin E. Beverly was present representing Communications Systems, Inc., (CSI). Mr. Beverly stated that CSI admits problems existed in the past, and cited three reasons for unsatisfactory signal strength: (1) extreme weather conditions causing delays in repair work; (2) equipment replacements not immediately available; (3) signal quality delivered by the television stations.

Mr. Beverly called and questioned the following persons in support of CSI's position in the matter: Mr. Bruce Davis, Senior Vice President of Operations, CSI; Mr. Walter Tirschwell, Regional Manager for Northern and Central California for CSI, who spoke to photographs of weather conditions hampering equipment repairs (submitted as Exhibits "A" through "G") and letters from six customers who are satisfied with their cable TV service (submitted as Exhibit "H"); and Mr. Steven Munoz, President/General Manager of Video Tech, Inc., who prepared the "System Survey and Evaluation" of Cable TV of Meyers/Tahoe Paradise, which was submitted as Exhibit "I". When asked by Supervisor Lowe, Mr. Munoz stated he did not make a comparison with performance requirements outlined in the County Franchise Ordinance when preparing his "System Survey and Evaluation". Mr. Neasham also pointed out that said document does not qualify as a "Proof of Performance" required by the Federal Communications Commission (FCC).

Mr. Neasham entered as Exhibit "J", a letter to the cable subscribers, dated April 1982, over signature of Mr. Walt Tirschwell, wherein he advised that the Christian Broadcasting Network will be moved from Channel 8 to the Mid-band which will require the use of a converter for those persons who do not have a "cable ready set", and further advising that the only charge for the converter will be a \$15 deposit, refundable upon return of the converter.

Mr. Neasham called and questioned Ms. Diane Pfof, County Administrative Analyst, who confirmed, on the basis of her conversations with parties involved, the following: (1) CSI has never filed the Proof of Performance with the FCC as required by law; (2) County Public Works Department has only issued CSI a "blanket permit" for repair work, which does not permit digging, trenching, etc., for new service; and (3) Mr. Bruce Davis, Senior Vice President of Operations, CSI, had agreed that the comprehensive technical audit and report would address the design and capabilities of the franchise system; and the "System Survey and Evaluation" prepared by Mr. Munoz, at the request of CSI, does not address those issues.

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Mr. Beverly responded by allowing the Board to examine Permit No. L-82-454, issued to CSI by the County Public Works Department, which "appears" to have no limitations on it, as described by Ms. Pfof. Further, Mr. Beverly advised that Ms. Pfof received three proposals for preparation of the comprehensive technical audit and report, but only sent one proposal, that of Hammet and Edison, in the amount of \$12,000.00, to CSI. After contacting a representative of Hammet and Edison, CSI determined it did not wish same to prepare the audit and report, and then contracted with Mr. Steven Munoz to do the job at a cost of \$1,500.00. Ms. Pfof responded that only the proposal of Hammet and Edison met the specifications as outlined when soliciting proposals.

Finding that the franchisee has been provided proper notice and administrative due process, and that the franchisee has failed to substantially comply with franchise ordinance provisions, the Board, on motion of Supervisor Stewart, seconded by Supervisor Lowe, and carried by the following vote: Ayes: Supervisors Lowe, Flynn, Stewart, and Walker; No: Supervisor Dorr, revoked the franchise previously granted; said revocation to be stayed subject to the following conditions being met by the franchisee:

1. The franchisee to provide to the County by June 30, 1982, a comprehensive technical audit and report addressing the franchise system, design, capabilities and compliance as to the County's Ordinance requirements, or other regulatory requirements, and for such report to be conducted by an independent engineering firm of the County's choice, at a cost not to exceed \$12,000.00;
2. That service to enumerated areas as required by the County's franchise ordinance be established by July 31, 1982; and the franchisee apply for such permits as may be necessary from all regulatory agencies immediately; notice of any delays encountered in obtaining such permits to be provided to the County Board of Supervisors by June 1, 1982, or when such delays become evident;
3. That an additional bond, in the amount of \$100,000.00, be obtained by the franchisee to ensure performance by the franchisee in complying with the provisions of the franchise ordinance and conditions set forth in this motion;
4. That the franchisee comply with all requirements as set forth in the comprehensive technical audit report within 30 days after the Board's receipt of the report.

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There being no further business, the Board adjourned to its regular weekly meeting of Tuesday, May 11, 1982, at 10:00 a.m.

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APPROVED:


W. P. "DUB" WALKER, Chairman

ATTEST:

DOLORES BREDESON, County Clerk
and ex officio Clerk of the Board

By


Deputy Clerk